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May 21, 1999

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Federal Communications Commission
Washington, D.C.

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Comment on FCC 99-52 NPRM, WT Docket No. 99-87

It is my general opinion that auctioning PLMR spectrum is a bad idea as a whole, and I hope to share my reasoning with this comment.

To begin my comments, I should like to begin at the end, quoting from Appendix A of the Proposed Rulemaking, paragraph 13: "The Commission's 1994 Annual Report on PLMRs indicates that at the end of fiscal year 1994 there were 1,087,267 licensees operating 12,481,989 transmitters in the PLMR bands below 512 MHz". (note these figures are five years old) Further quoting: "the proposed rules could potentially impact *every small business in the United States*" (italics added).

A rulemaking which has such sweeping effect on such a large portion of American business should be approached with extreme caution. The suggested rulemaking could potentially obsolete the majority of the 12½ million-plus transmitters currently in use, a considerable investment for American businesses. Requiring everyone to purchase new equipment would be a boon to radio manufacturers, but the cost would be passed on to the general public in the end. There would be further economic impact upon many of the small two-way radio shops throughout the country, effectively putting out of business those unable to successfully bid for spectrum at auction.

It is reiterated time and time again throughout the NPRM that the Commission has an obligation to avoid mutual exclusivity. The NPRM itself states that mutual exclusivity isn't the norm for PLMR "because the frequencies are intensively shared" (paragraph 13) and further: "incidents of mutual exclusivity in these services would be rare" (paragraph 52). In order to allow auctions, the successful bidders would have to have mutual exclusive status. Paragraph 58 reinforces this, stating that there would have to be a fundamental change in the way PLMR is licensed to allow auctions.

Auctioning PLMR spectrum would open up another box of problems: what to do with incumbent licensees on the frequencies? The main problem with the PLMR bands is that of overcrowding. The FCC has attempted to address this problem with the refarming docket, but it will take a considerable amount of time before we see the benefits from it. Where would the Commission relocate incumbents? The FCC has offered no new spectrum to PLMR. There will be difficulty in locating comparable spectrum with similar propagation characteristics, as there is great reluctance among the various users to give up spectrum. Furthermore, who would bear the cost of relocation? If the auction winner must pay to relocate, the auction becomes less attractive, as it is an unpredictable cost. "Clearing" a frequency could be very expensive.

Additionally, after the auction, what do the unsuccessful bidders do to get needed spectrum? Due to the present methods of sharing, no one is "refused" spectrum, though they may be required to accept some interference.

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The users of PLMR spectrum have diverse communications needs. Some users, such as large utilities, need to communicate reliably over large areas of the country. Others need only to communicate within a single building, such as a warehouse or manufacturing plant. With such diverse requirements among users, it is difficult to establish whether geographic area licensing (as discussed in paragraphs 63, 70 and 72) would be the best policy. For some users, site licensing works best. For others, geographic area licensing would be the solution. Perhaps giving applicants a choice in the type of license area would be the best way to simplify this issue. Along with this, those choosing geographic area type licenses should have freedom within their area to move transmitters, add fill-ins, etc.. This would reduce the amount of paperwork for both the applicant and the Commission. I would also agree with the last sentence of paragraph 67, that some of the shared bands are so heavily used that geographic licensing becomes impractical.

PLMR licensees who need short-range communications typically operate on simplex channels and do not need a repeater or other "backbone" system. They would not need to subscribe to a "system" for their basic communication needs. How would spectrum auctions affect these users? Would they need to bid for frequencies? Perhaps some simplex channels would be "set aside" for such use. Such basic types of communications are extremely necessary when natural disasters occur and the regular infrastructure is down or overloaded.

Many users of PLMR spectrum depend upon their communications for the safety of workers and the general public. These users are unwilling to place their corporate liability in the hands of a system operator with whom they have no control. Due to the costs of auction and buildout, these systems tend to be understaffed and ill-prepared for maintaining their systems in the tip-top shape necessary when human life is at stake. These system providers aren't often open to changing their systems to meet unique requirements of some users. These PLMR users would be required to bid on spectrum to retain control of their own communications, again, at an unknown cost. The NPRM itself alludes to this in paragraph 91, stating that private radio system needs "historically have not been fulfilled by commercial service providers".

In summary of my above comments, I would agree with the statement in paragraph 68, "the public interest would best be served by retaining the current licensing scheme". It is my understanding that the Commission is attempting to simplify and ease the administration of the PLMR spectrum. I feel that the spectrum auction ideas presented in the NPRM will lead to more complexity for both the FCC and the users of PLMR spectrum, and the benefits will be few, if any.

I am in agreement with the UTC, API, & AAR petition for rulemaking mentioned in paragraph 41. There have been numerous problems recently of coordinations on frequencies used by utilities causing interference. In many cases, such communications are of a nature that would endanger the safety of workers or the general public. This problem can be prevented by separating these users into their own group, "Public Service", apart from others. I also agree that these groups should be exempt from auctions for the same safety concerns.



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Paragraphs 43 & 44 discuss the problem of using exempt "public safety related" frequencies outside of their stated purpose, that is, keeping them safety related. It is impossible to determine when communications cross the line from routine to safety related in most instances. What may be routine communications, such as a unit's location, can become of infinite importance to safety with the blink of an eye. I understand that the Commission wants to make sure license applicants are not misrepresenting themselves for dishonest gain, but it is impractical to have separate frequencies for routine and safety-related traffic. Again, if PLMR is not auctioned, there will be no problem.

I disagree with the suggestion of having Band Managers, as it is the Commission's duty to administer and police the spectrum. If the spectrum becomes administered by a Band Manager, how are the rules and regulations enforced? Who would resolve interference issues? Would the Commission hand off its government authority? How will the Commission keep the Band Managers honest? I believe the current frequency coordinators are doing an exceptional job in their processing of applications, etc. They handle a great deal of the technical detail, reducing the Commission workload. To add a Band Manager as a middleman between the FCC and the licensee will only increase the costs to the end user.

To summarize, the current PLMR licensing system should remain unchanged. The one great need currently at the forefront is the need for more spectrum. It will take some time for the refarming docket to take effect, and this will hopefully free up the needed spectrum. Again, any changes affecting such a large number of wireless users should be taken with great caution.

Respectfully,

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